

**PLAINTIFF’S RESPONSE IN OPPOSITION TO
DEFENDANTS’ MOTION FOR CONTINUANCE**

Pulliam v. County of Fort Bend, Texas, et al.

Case No. 4:22-cv-4210

EXHIBIT 2

From: [Christie Hebert](#)
To: [Hedges, Kevin](#); [Jeff Rowes](#)
Cc: [Michael Peña](#); [Svatek, Amy](#); [Kendall Morton](#)
Subject: RE: Heads up on draft of joint documents for Pulliam trial
Date: Tuesday, March 18, 2025 3:42:44 PM

Kevin,

I'm sorry that you are still feeling under the weather, but I am glad to hear that you are on the road to recovery.

I generally like to agree to requests for accommodation by opposing counsel as much as possible, but I cannot agree to this one. We oppose a two-week continuance.

Our side has already made arrangements to be in Houston for trial the week of April 14th—arrangements that include childcare during the trial week and hotel payments, at least a portion of which are non-refundable given that we are less than a month from trial. It would be difficult for us logistically, especially on the childcare front, to make a two-week continuance work.

Further, this case has already been continued. It was set for trial in June 2024. Additional delay would be unfair to our client, Justin Pulliam. The parties jointly proposed a trial window to the Court at the December 5, 2024 status conference, and the Court picked the April 14th date based on the Court's calendar. If the April 14th trial date is continued, there is no guarantee when the Court will be able to hear the case—and there is no guarantee that you, as the County's only attorney on this case, will be able to try the case at a reset date.

I understand the difficult position that this may put you in, but the County has chosen not to assign other attorneys to this case.

Best,
Christie

From: Hedges, Kevin <Kevin.Hedges@fortbendcountytexas.gov>
Sent: Tuesday, March 18, 2025 2:31 PM
To: Christie Hebert <chebert@ij.org>; Jeff Rowes <jrowes@ij.org>
Cc: Michael Peña <mpena@ij.org>; Svatek, Amy <Amy.Svatek@fortbendcountytexas.gov>; Kendall Morton <kmorton@ij.org>
Subject: RE: Heads up on draft of joint documents for Pulliam trial

Hi Christie.

I am improving, but not near 100% yet. Would you oppose a two week continuance of the trial?

Thanks.

Kevin

From: Christie Hebert <chebert@ij.org>
Sent: Tuesday, March 18, 2025 2:30 PM
To: Hedges, Kevin <Kevin.Hedges@fortbendcountytexas.gov>; Jeff Rowes <jrowes@ij.org>
Cc: Michael Peña <mpena@ij.org>; Svatek, Amy <Amy.Svatek@fortbendcountytexas.gov>; Kendall Morton <kmorton@ij.org>
Subject: RE: Heads up on draft of joint documents for Pulliam trial

Hi Kevin,

I hope you are feeling better this week.

Two questions for you:

1. Judge Hanks requires pretrial proposed findings of fact and conclusions of law. Given that it will be hard to write more than high-level findings and conclusions before trial (and the proposed findings and conclusions may not reflect what actually happens at trial), we'd like to propose filing an amended version after trial. Would the County be willing to join—or at least not oppose—a motion for leave to file amended findings of fact and conclusions of law within seven days of trial?
2. Are you willing to accept service of the subpoenas for Sheriff Eric Fagan, Lieutenant Taylor Rollins, Deputy Ricky Rodriguez, and Detective Travis James to testify at trial? If so, may we email them to you? Please let us know how you would prefer to proceed.

I've also reattached the draft joint pretrial order, the Court's template joint trial worksheet, and Plaintiff's draft witness list so you have them at your fingertips.

Best,
Christie

From: Hedges, Kevin <Kevin.Hedges@fortbendcountytexas.gov>
Sent: Tuesday, March 11, 2025 4:48 PM
To: Christie Hebert <chebert@ij.org>; Jeff Rowes <jrowes@ij.org>
Cc: Michael Peña <mpena@ij.org>; Svatek, Amy <Amy.Svatek@fortbendcountytexas.gov>; Kendall Morton <kmorton@ij.org>
Subject: Re: Heads up on draft of joint documents for Pulliam trial

Hi Christie. Unfortunately I was diagnosed with pneumonia yesterday. At this point, I don't know whether I will be back in the office this week. I am playing it day by day.

Kevin

From: Christie Hebert <chebert@ij.org>
Sent: Tuesday, March 11, 2025 4:01 PM
To: Hedges, Kevin <Kevin.Hedges@fortbendcountytexas.gov>; Jeff Rows <jrows@ij.org>
Cc: Michael Peña <mpena@ij.org>; Svatek, Amy <Amy.Svatek@fortbendcountytexas.gov>; Kendall Morton <kmorton@ij.org>
Subject: RE: Heads up on draft of joint documents for Pulliam trial

Hi Kevin,

I hope this email finds you well and back in the saddle.

I'm resending the initial draft of the joint pretrial order so it is at the top of your inbox.

We're still working on exhibits. But we started the process of preparing the Court's trial worksheet. I have attached the Court's template. We've made an initial attempt at putting together Plaintiff's witness list (draft attached), which we expect will match up with what we insert for our portion of the trial worksheet. We have not, however, decided on any order of the witnesses or how much time things will take.

We look forward to hearing from you.

Best,
Christie

From: Hedges, Kevin <Kevin.Hedges@fortbendcountytexas.gov>
Sent: Friday, February 28, 2025 2:08 PM
To: Christie Hebert <chebert@ij.org>; Jeff Rows <jrows@ij.org>
Cc: Michael Peña <mpena@ij.org>
Subject: RE: Heads up on draft of joint documents for Pulliam trial

Hi Christie.

I will be out of the office next week. Let's talk the week of the 10th.

Thanks,
Kevin

From: Christie Hebert <chebert@ij.org>
Sent: Friday, February 28, 2025 2:06 PM
To: Hedges, Kevin <Kevin.Hedges@fortbendcountytexas.gov>; Jeff Rows <jrows@ij.org>
Cc: Michael Peña <mpena@ij.org>
Subject: RE: Heads up on draft of joint documents for Pulliam trial

Hi Kevin,

I hope you've made a full recovery from the flu.

I've attached our initial draft of the joint pretrial order. You'll see that there are placeholders for Defendants' additions.

We're still working on the exhibit list and the trial worksheet. We're aiming to get drafts of those to you soon, next week if possible.

Thanks,
Christie

From: Hedges, Kevin <Kevin.Hedges@fortbendcountytexas.gov>
Sent: Monday, February 17, 2025 8:22 AM
To: Jeff Rowes <jrowes@ij.org>
Cc: Christie Hebert <chebert@ij.org>; Michael Peña <mpena@ij.org>
Subject: RE: Heads up on draft of joint documents for Pulliam trial

Hi Jeff.

Sorry for the late response, but I was out with the flu.

Of course, to the extent that you need it, you have my agreement to match appearances in the case with the reality of your staffing.

Kevin

From: Jeff Rowes <jrowes@ij.org>
Sent: Thursday, February 13, 2025 12:24 PM
To: Hedges, Kevin <Kevin.Hedges@fortbendcountytexas.gov>
Cc: Christie Hebert <chebert@ij.org>; Michael Peña <mpena@ij.org>
Subject: Heads up on draft of joint documents for Pulliam trial

Hi Kevin,

Hope you and your family are well. I wanted to flag two things ahead of our scheduled trial on April 14. Under Judge Hanks' trial procedures, the plaintiff has to file a joint pretrial order and the deadline for that in this case is April 1. We've started working on it and we'll plan to shoot you a draft in two weeks (February 27) so you can fill in the defendants' stuff. We'll also draft the exhibit list and trial worksheet for your review. Then we can flip these back and forth in March as we have time. None of it seems very complicated so it shouldn't be tough for us to work on together.

I'd also like to introduce Michael Pena, who is joining the case to help with trial. You may remember that we got Jared McClain admitted last year when we thought the trial was happening then but Jared is working on other stuff now so we're going to bring Michael on. We'll withdraw Jared at some point soon and seek to enter an appearance for Michael.

Thanks.

Jeff